

SWISS FEDERAL INSTITUTE OF INTELLECTUAL PROPERTY

AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

- Office: Swiss Federal Institute of Intellectual Property
- PatG: Bundesgesetz über die Erfindungspatente (Swiss Patents Act)
- PatV: Verordnung über die Erfindungspatente (Patents Ordinance)

SUMMARY**Designated
(or elected) Office****SUMMARY****CH****SWISS FEDERAL INSTITUTE OF
INTELLECTUAL PROPERTY****CH****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	French, German or Italian
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Swiss franc (CHF) Filing fee: ¹ CHF 200 Claim fee for each claim in excess of 10: ² CHF 50
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis):	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ^{3, 4} Declaration of inventorship and concerning the right of the applicant to a patent ^{4, 5} Appointment of an agent if the applicant is not resident in Switzerland or Liechtenstein ⁵

[Continued on next page]

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

³ Must be furnished within the time limit applicable under PCT Article 22 or 39(1); however, continuation of the procedure may be requested in case of failure to observe that time limit.

⁴ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁵ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****CH****SWISS FEDERAL INSTITUTE OF
INTELLECTUAL PROPERTY****CH***[Continued]*

Who can act as agent?

Any natural or legal person resident in Switzerland or on the list of persons authorized to act as patent agents kept at the Office for Public Economy of Liechtenstein. This list may be obtained from that Office and from the Swiss Federal Institute of Intellectual Property.

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter*.2)?

Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

THE PROCEDURE IN THE NATIONAL PHASE

CH.01 EFFECT OF A DESIGNATION OF SWITZERLAND OR LIECHTENSTEIN. Under the Patent Treaty between Switzerland and Liechtenstein only a unitary patent for the two States can be granted; in an international application, therefore, the designation of either State automatically has the effect of the designation of both States, which cannot be designated independently from each other.

PatG Sec. 131(2)
PatV Art. 4(1)
4(3)
4(4)

CH.02 LANGUAGE OF PROCEEDINGS. The language of proceedings is one of the official languages (French, German or Italian). If the international application has been filed in French or German, the language of proceedings is French or German, as the case may be; if not, the language of the translation which is furnished to the Office under PCT Article 22 or 39(1) is the language of proceedings. The language of proceedings cannot be changed. Written matter other than the text of the application is usually accepted in any of the official languages, but the Office reserves the right to request a translation into the language of proceedings.

CH.03 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see paragraphs 57 and 58 of the General Part of this Volume). If the translation furnished to the Office is not complete, the Office will invite the applicant to furnish the missing part and will excuse the late furnishing.

PatG Sec. 138(2)
PatV Art. 34
124(1)

CH.04 NAME AND ADDRESS OF THE INVENTOR; DECLARATION OF INVENTORSHIP. If the name and address of the inventor have already been furnished in the "Request" part of the international application, the applicant must only indicate how he acquired the right to the patent and declare that to his knowledge no other persons have contributed to the invention (for details, see the form in Annex CH.IV which should preferably be used); if not, the applicant must furnish the inventor's name and address and make a declaration of inventorship on the form reproduced in Annex CH.II. Legalization is not required. The declaration of inventorship must be written in or translated into one of the official languages (French, German or Italian) or in English. For time limits, see the Summary.

PatV Art. 124(2)

CH.05 APPOINTMENT OF AN AGENT. Natural and legal persons not having either a residence or their principal place of business in Switzerland or Liechtenstein must be represented by an agent. Any natural or legal person resident in Switzerland or on the list of persons authorized to act as patent agents, kept at the Office for Public Economy of Liechtenstein, may act as an agent. This list may be obtained from that Office and from the Swiss Federal Institute of Intellectual Property. If no agent is indicated on entry into the national phase, the applicant will be invited by the Office to appoint an agent, indicating the agent's name and address, within a specified time limit.

CH.06 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CH.I.

PatG Sec. 41
PatV Art. 49(2)

CH.07 CLAIMS FEE. The claims fee must be computed on the basis of the number of claims valid at the beginning of the national phase (that is, where amendments have been filed, the claims as amended under PCT Article 19 or the claims as submitted by the applicant under PCT Article 28 or 41 upon entering the national phase). Where the applicant fails to pay the correct amount of the claims fee, the Office will invite him to pay the missing amount within the time limit fixed by the Office. For the amount of the claims fee, see the Summary or Annex CH.I.

- PatG Sec. 41
PatV Art. 18
- CH.08 ANNUAL FEES.** They are payable for the fifth and each subsequent year following the international filing date. The payment of the first annual fees is due on the last day of the month in which falls the fourth anniversary (48 months) of the international filing date. Thereafter, payment must be made within six months from the last day of the month in which falls the anniversary of the international filing date; a supplement for late payment must be paid if the fee is paid during the last three months. For the amounts, see Annex CH.I.
- PatG Sec. 41
PatV Art. 61a
- CH.09 EXAMINATION FEE.** This fee must be paid for each international application. It is due before the start of the examination as to substance, on invitation and within the time limit fixed by the Office. Where a request to postpone the examination as to substance has been made before the invitation or is made within the time limit for payment, that time limit is extended until the expiration of the postponement.
- PCT Art. 28
PatG Sec. 58(1)
59a(1)
- CH.10 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend the description, claims and drawings of his international application, until the examination procedure has been completed.
- PatG Sec. 58(2)
- CH.11** Where the subject matter of the amended application exceeds the scope of the application as originally filed, the date of the filing of the amendments is considered as the filing date of the application; the international filing date loses all legal effect.
- PCT Art. 25
PCT Rule 51
- CH.12 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an administrative appeal against this decision may be lodged with the Appeal Commission for Intellectual Property within 30 days from the date of receipt of the decision.
- PCT Art. 24(2)
48(2)
- CH.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 67 to 71 of the General Part of this Volume.
- CH.14** Continuation of the procedure may be requested where the applicant has failed to comply with a time limit prescribed by law or fixed by the Office. The request for continuation of the procedure must be presented within two months from the time when the applicant became aware of the failure to meet the time limit, but not later than six months from the expiration of the time limit which has not been observed. Additionally, the omitted act must be completed and the fee for continuation of the procedure must be paid within the same time limit. Continuation of the procedure is excluded in some cases provided for under PatG Section 46a and PatV Article 14, in particular for time limits for payment of the transmittal fee, the search fee and the international fee as well as for the time limit for election of States. Contrary to a request for reinstatement (see paragraph CH.15), the applicant is not required to prove that he was prevented, through no fault of his own, from complying with the time limit.
- PatG Sec. 47
PatV Art. 15
- CH.15** Reinstatement may be requested where the applicant, through no fault of his own, has failed to comply with a time limit during the international phase or before the Office. Reinstatement is excluded, however, where the missed time limit is the time limit for requesting reinstatement. The request for reinstatement must be presented within two months after removal of the cause of non-compliance with the time limit but not later than one year from the expiration of the time limit which has not been observed. Within these two months, the omitted act must be completed, the reinstatement fee (see Annex CH.I) must be paid and a statement of the facts on which the request is based must be furnished.

FEES**(Currency: Swiss franc)**

Filing fee	200
Claims fee for each claim in excess of 10	50
Examination fee	500
Fee for accelerated examination procedure	200
Annual fees:	
— for the 5 th and the 6 th years, per year:	100
— from the 7 th to the 20 th year, per year:	310
Supplement for late payment of an annual fee	200
Fee for continuation of the procedure	200
Reinstatement fee	500

How can payment of fees be effected?

The payment of fees must be effected in Swiss francs. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

According to the regulations on fees of the Swiss Federal Intellectual Property Institute (IPI-RT), payment may be effected:

- (a) by debiting a current account opened with the Institute,
- (b) by payment or transfer to the postal check account of the Institute (No. 30-4000-1, code SWIFT POFICHBE, IBAN CH6809000000300040001),
- (c) by furnishing or sending bank checks drawn on a Swiss bank, made payable to the Institute and written out in Swiss francs,
- (d) by cash payment.

Eidgenössisches Institut für Geistiges Eigentum
 Institut Fédéral de la Propriété Intellectuelle
 Istituto Federale della Proprietà Intellettuale
 Swiss Federal Institute of Intellectual Property
 Einsteinstrasse 2 · CH-3003 Berne · tél. +41 31 325 25 25 · fax +41 31 325 25 26 · www.lpl.ch

P

Mention de l'inventeur

La (les) personne(s) indiquée(s) dans l'appendice est (sont) mentionnée(s) comme inventeur(s) pour la demande de brevet précisée ci-après.

1 Titre de l'invention

Brève désignation technique et non de fantaisie, maximum 180 caractères, espaces compris.

2 Numéro de la demande de brevet

s'il est connu.

3 Indication concernant l'acquisition du droit au brevet

Si la demande de brevet n'est pas déposée par l'inventeur, il est à indiquer comment le droit au brevet a été transmis au requérant p. ex.: contrat de travail ou d'achat, accord, héritage, etc.

4 Déclaration

Le(s) requérant(s) déclare(nt) qu'à sa (leur) connaissance aucune autre personne n'a participé à l'invention.

5 Date et signature du (des) requérant(s) ou du mandataire

Désignation exacte de la raison sociale.

Date

Signature(s)

6 Appendice

Seules les personnes physiques peuvent être mentionnées comme inventeurs. En cas de changement d'état civil, l'ancien nom doit être indiqué.

Champ 1 Nom

Prénom

Rue

Numéro postal/localité

Pays

Suite au verso

00.03

(1 January 2002)

Champ 2 Nom

Prénom

Rue

Numéro postal/localité

Pays

Champ 3 Nom

Prénom

Rue

Numéro postal/localité

Pays

Champ 4 Nom

Prénom

Rue

Numéro postal/localité

Pays

Champ 5 Nom

Prénom

Rue

Numéro postal/localité

Pays

Champ 6 Nom

Prénom

Rue

Numéro postal/localité

Pays

Champ 7 Nom

Prénom

Rue

Numéro postal/localité

Pays

POUVOIR**POWER OF ATTORNEY**

L soussigné (prénoms, nom de famille ou raison sociale, adresse exacte)

The undersigned (given name, surname or name of firm, full address)

donne mandat à

hereby confer(s) on

en vue d'obtenir un brevet d'invention pour la Suisse et le Liechtenstein et/ou d'agir en qualité de mandataire pour toute la durée de protection du brevet.

powers of attorney to obtain the grant of a patent for Switzerland and Liechtenstein and/or for representation throughout the protection period of the patent.

Numéro de la demande de brevet ou du brevet lui-même (s'il est connu):

Patent application number or patent number (if known):

Titre de l'invention (indication non requise si le numéro de la demande de brevet ou du brevet est inc'ique).

Title of invention (may be omitted if the patent application number or patent number is known).

Le mandataire est autorisé à défendre tous droits, présenter ou retirer toutes requêtes, signer tous documents, apporter des corrections aux pièces, verser toutes taxes et encaisser celles qui sont rétrocédées, en donner quittance, retirer toutes demandes de brevet, renoncer entièrement ou partiellement à tous brevets, accepter tous documents et faire en général tout ce qui sera nécessaire ou utile selon les dispositions légales. A moins de révocation expresse, le mandat ne s'éteindra pas dans les cas prévus à l'art. 35 du code des obligations.

The representative is empowered to assert all rights, file and withdraw requests, sign documents, make corrections to material filed, pay fees, receive refunds and certify receipt thereof, withdraw patent applications, renounce patents in whole or in part and receive documents, and generally to take whatever action is legally required or appropriate. These powers of attorney shall not lapse in the cases provided for in Article 35 of the Code of Obligations unless they are expressly revoked.

**Lieu et date
Place and date**

**Signature
Signature**

**(Légalisation de la signature non exigée)
(Authentication of signature not required)**

Eidgenössisches Institut für Geistiges Eigentum
 Institut Fédéral de la Propriété Intellectuelle
 Istituto Federale della Proprietà Intellettuale
 Swiss Federal Institute of Intellectual Property
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Demande de brevet no *(s'il est connu)* Patent Application No. *(if known)*
 au nom de _____ in the name of _____

Complément

*à la mention de l'inventeur contenue dans la requête
 de la demande internationale no
 (no de publication _____).*

La mention de l'inventeur contenue dans la demande internationale doit être complétée par les indications suivantes:

1. Indication concernant l'acquisition du droit au brevet

(si la demande de brevet n'est pas déposée par l'inventeur, il est à indiquer comment le droit au brevet a été transmis au requérant p.ex.: contrat de travail ou d'achat, accord, héritage).

2. Déclaration

Le(s) requérant(s) déclare(nt) qu'à sa (leur) connaissance aucune autre personne n'a participé à l'invention.

3. Date et signature(s) du (des) requérant(s) *(resp. désignation officielle de la raison sociale)*

Date signature(s):

Completion

*of the Declaration of Inventorship filed in respect of
 International Application No.
 (Publication No. _____).*

The Declaration of Inventorship for the subject International Application is completed by the following statements:

1. Particulars regarding the acquisition of the right to the patent

(where the applicant is not or not the sole inventor, he must state how he acquired the right to the patent, e.g., employment or purchase contract, agreement, inheritance).

2. Declaration

The applicant(s) declares (declare) that to his (their) knowledge no other persons have contributed to the invention.

3. Date and signature of the applicant(s) *(official title for companies)*

Date Signature(s)